

REMARKS

This responds to the Office Action mailed on April 21, 2005. Claim 19 is amended; no claims are cancelled; and claims 25 and 26 are added. As a result, claims 1-26 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 3, 4, 7, 8, 20, 22, and 23 were rejected under 35 U.S.C. § 102(b) for anticipation by Stevenson (WO 98/57097). The rejection states that "Stevenson discloses improving driver safety in a truck (claims 13, 15, 18) with safety indicia that signal a safety signal to other driver that is (claims 7, 8, 9) illuminated by EL (claim 1)."

Stevenson appears to show an automobile 300 with EL lamps such as 301, 302, and 303. Stevenson further appears to discuss EL lamps in use on a truck (claims 13, 15, 18). However, Applicant is unable to find in Stevenson an oversized highway vehicle or highway vehicle with an oversized load or methods associated with an oversized highway vehicle or highway vehicle with an oversized load. Applicant respectfully submits that a truck is not equivalent to an oversized highway vehicle. Applicant is unable to find in Stevenson mention of a load or size of a load.

In contrast, claims 1, 3, 4, 7, 8, 20, 22, and 23 each include as an original element, or through dependency, an oversized highway vehicle or highway vehicle with an oversized load. Because the Stevenson reference does not show every element of Applicant's independent claims, a 35 USC § 102(b) rejection is not supported. Reconsideration and withdrawal of the rejection are respectfully requested with respect to Applicant's independent claims 1, 11, and 20. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Claim 6 was rejected under 35 U.S.C. § 102(b) for anticipation by Wiley (U.S. 4,087,124). Applicant respectfully submits that claim 6 is allowable for at least the reasons discussed above. Claim 6 depends from claim 1, and therefore includes all limitations of claim 1. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claim 6.

§103 Rejection of the Claims

Claims 2, 5, 9-12, 14-17, 19, and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stevenson in view of a number of additional references, including Fernandez (U.S. 5,434,013); Saminski et al. (U.S. 2002/0181226); Chien (U.S. 5,775,016); and Kalana (U.S. 6,604,834).

Applicant respectfully submits that the additional references listed fail to cure the rejection based on Stevenson for at least the reasons outlined above. In addition to deficiencies of Stevenson as described above, regarding claim 19, the rejection indicates that claim 40 of Stevenson shows “a data supply to illuminate said lamps with said vehicular information.” Claim 40 appears to include “electroluminescent lamps having indicia incorporated in *a dash board*.” However, Stevenson does not show safety indicia illuminated by one or more EL lighting surfaces on *the main body* and optional *trailer* and optional *mudflaps* (emphasis added). Further, mere illumination as shown by Stevenson does not convey a visual safety message as required by claim 19.

Because the cited references, either alone or in combination, do not show every element of Applicant’s independent claims, a 35 USC § 103(a) rejection is not supported by the references. Reconsideration and withdrawal of the rejection are respectfully requested with respect to claims 2, 5, 9-12, 14-17, 19, and 24. Additionally, reconsideration and withdrawal of the rejection are respectfully requested with respect to the remaining claims that depend therefrom as depending on allowable base claims.

Additional Remarks

It appears that claim 21 was inadvertently not examined in detail. For at least the reasons presented above, Applicant respectfully submits that claim 21 is in condition for allowance.

On the Summary page of the pending Office Action, claims 1-20 are listed as pending. Applicant assumes that this is a typographical error. At the time of the pending Office Action, claims 1-24 were pending.

Additional claims 25-26 are presented in the present Response. Applicant respectfully submits that these additional claims define further embodiments of the invention that are in condition for allowance.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6944 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

AARON GOLLE ET AL.

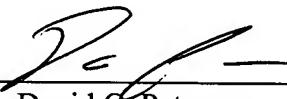
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6944

Date

9-16-05

By



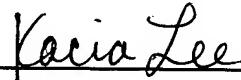
David C. Peterson
Reg. No. 47,857

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of September, 2005.

Name

Kacia Lee

Signature



Kacia Lee